



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts
Department of Public Safety
Architectural Access Board
One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618
Phone 617-727-0660
Fax 617-727-0665

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

www.mass.gov/dps

Board Meeting – May 20, 2013

21st Floor – Conference Room 1

Present Board Members:

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Diane McLeod, Vice Chair (DM)
- Myra Berloff, Massachusetts Office on Disability (MB)
- Carol Steinberg, Member (CS)
- Mark Trivett, Member (MT)

and

- Thomas Hopkins, Executive Director (TH)
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

Members Not Present:

- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Andrew Bedar, Member (AB)
- Gerald LeBlanc, Member (GL)

- Meeting began at 9:00 a.m.

1) **Incoming Discussion:** Berkshire Pulse, 420 Park St., Housatonic (V13-100)

TH - EXHIBIT – recent submittal from owners and Berkshire School System

- now seeking 3 years
- Board previously ordered 1 year, as opposed to their originally requested 5 years
- letter notes that they are seeking funding

CS - grant as proposed

MT - second – carries

MB - add a strong message that 3 year extension is firm

CS - grant to June 1, 2016, vacated as of June 2, 2016; progress reports every 6 months, starting January 1, 2013.

MT - second – carries

2) Incoming Discussion: Baypath Regional Vocational Technical School, 57 Old Nugget Hill Rd., Charlton (V11-218)

TH - EXHIBIT – new submittal

- first presentation was in April 2011, and was continued due to lack of information on spending
- Joe Milani, Kaestle Boos Associates, submittal, representing in April of 2013
- on May 9, 2013, received the needed material to proceed with the variance request and confirm the jurisdiction – over 30%
- seeking a number of variances
- ongoing work

CS - hearing

DM - second - carries

3) Incoming Discussion: Yogurtland, 1231 Center St., Newton (V13-107)

TH - EXHIBIT – new submittal, minor modification on the entrance plan

- proposing to move the entrance to the left and everything will be the same

MB - grant

DM - second – carries

4) Discussion: Waverly Commuter Rail Station, 525 Trapelo Rd., Belmont (C12-033 and V13-076)

TH - EXHIBIT – letter from attorney for the MBTA

- hearing scheduled for 6/3/13
- seeking for the hearing to be moved based on the fact that Marie Trottier will not be here

CS - grant the extension to later date

DM - second - carries

5) Incoming: John Augustus Hall, 180 Beaman St., West Boylston (V13-126)

TH - EXHIBIT – variance application

- improving access to the DCR headquarters building
- built on a hill

- propose creating accessible parking 240 feet from entrance
- due to topography of the site, seeking variance to the lack of drop-off area

DM - grant

MT - second – carries

6) Discussion: Isabella Stewart Gardner Museum, 280 Fenway and 25 Evans Way, Boston (V11-147, C12-031, and V12-189)

- TH - EXHIBIT – pictures of site visit
- complaint was about the lift for access to the upper balconies
 - the button on the lift were confusing
 - site visit May 9, 2013
 - met at the entrance, with Jim, Bob, Zander, Kathryn, Ray, Carol, Kate, and myself
 - huge elevator to the second floor
 - the seating on the first floor is completely movable
 - it's a music venue
 - specially designed acoustics
 - lift stopped at the top of the landing and got stuck, when Tom was on the lift
 - ½ inch below the top floor
 - worked after he got out

MB - emergency call button?

TH - yes

- TH - went outside after and had a discussion about the site visit
- Mr. Lebec was able to report good news, the widening of the door can be widened by a decision of the Attorney General
 - Petitioners will be submitting documentation by 6/3/13 about the lift and signage and date for widening of the door
 - no vote needed today

MB - is there always someone there?

- this lift is secluded
- but only used during performance

7) Discussion: 11 North Restaurant, 11 North Water St., Edgartown (V12-206)

- TH - EXHIBIT – information that has been forwarded to the Board over the past two weeks
- opened on a temporary CO last summer
 - Selectmen have voted that the lift cannot land on the sidewalk
 - new plans submitted showing the access moved to the interior of the space
 - sent information about other instances where ramps or lifts were allowed on city/town property
 - decision from last meeting will be approved by this meeting

CS - Selectmen asked for the extension, when the decision was rendered for the building owner

TH - the building was a closed corner, that was opened with a new porch and doorway created

(Tape)

TH - amended decision will be sent out tomorrow

MT - approve the May 6, 2013 decision to be sent out

DM - second – carries

8) Discussion: DeLuca's Market, 7-17 Charles St., Boston (V11-232)

TH - EXHIBIT – new submittal on May 17, 2013, along with email from May 16th
- more information submitted about contesting spending

CS - affidavit submitted previously to attest to spending

MB - he can't open the first floor until everything is in place
- everything is case by case
- can't allow the first floor to open until he is close to having the vertical access in place

CS - went there after the last meetings
- the computer was accessible to me, but there is a lip at the left side of the entrance
- auto-opener at the store entrance?

TH - yes, two store entrances, one with auto-opener
- computer was frozen, but employee immediately came up and helped
- overheard patrons asking when they would be open

WW - there is no receipt submitted or commitment from the elevator company about when the lift will be installed

(Tap)

MB - what happens if you were sitting at the computer and people were trying to get by?

CS - it is small, but people can get by

- **Raymond Glazier, Executive Office on Elder Affairs Designee (RG) – Now present -**

MB - did the employee fix the computer?

CS - no, since she just knew what kind of Malbec was available, and she said she didn't know how to fix the computer

MT - we reaffirmed in July of 2012 the previous decision of the Board

WW - we have four things to vote on

MB - grant the use of a compliant vertical wheelchair lift in lieu of the previously ordered LULA

DM - second – carries

WW - variance request on the changes in level at the wine cellar

MB - deny

DM - second – carries

KS - need to then vote when it should comply

CS - what are at the different levels?

TH - plans, two sets of stairs out of the main level that is accessed by the front entrance stairs, one goes to storage and one goes to the other side of the wine store, where there are some groceries

WW - need a motion for when the level changes need to be modified

CS - compliant vertical wheelchair lift installed, inspected and in working order by September 1, 2013, with the level changes to be corrected and compliant with 29.2, by that time

DM - second – carries

WW - temporary CO for the use of the wine cellar

DM - send Mark Dempsey down to the store or another staff member to verify if the computer is in working order

MB - second – carries

DM - continue the discussion regarding the temporary CO for the wine cellar pending site visit results

RG - second – carries

DM - deny occupancy permit for the first floor, until the compliant vertical wheelchair lift is installed and verified as such

MB - second – carries

CS - communicate with Boston Inspectional Services Department about the orders of the Board

MB - second – carries

9) Incoming: Spa Day Beauty Salon, 330 Washington Street, Boston (V13-120)

TH - EXHIBIT- variance application

- maneuvering clearances at the third floor

CS - grant as proposed

MB - second – carries (DM as chair, WW not present)

10) Incoming: Ventford Hall Building, 104 Walker St., Lenox (V13-110)

TH - EXHIBIT – variance application

- seeking until 2018 for the lack of access to the upper floors

- portions of the first and second floor will be compliant by 9/31/14

- want permission to use the second and first floor now, so that they can raise money by allowing access to those floors

CS - hearing and have the building inspector present

RG - second – carries (DM as chair, WW not present)

11) Incoming: 419, 421, 423 and 425 Cambridge St., Allston (V13-135)

TH - EXHIBIT – variance application

- partial application was not done

- need to continue and meet with the architect to help

MT - continue to have the architect meet with TH

MB - second – carries (DM as chair, WW not present)

12) Incoming: 18 feet of sidewalk at 16 Beacon St., Boston (V13-137)

TH - EXHIBIT – variance application

- foundation wall repairs and therefore need to dig up sidewalk

- seeking variance for cross slopes

- concrete panels in front of the building

KS - need to either waive the time or wait till the 3rd

- told him he needed to send documentation that no objection from parties concerned

TH - did not receive, so will be heard on the 3rd

MB - need clarification about running slope versus cross slope

13) Incoming: Health South Rehab Hospital, State St., Ludlow (V13-127)

TH - EXHIBIT – variance application

- new construction, 1 story, 53 bed rehab hospital (inpatient and outpatient services)

- proposing portable seats instead of fixed fold down seat

DM - grant as proposed

MT - second

MB - cannot have only bariatric chairs, need to have standard and bariatric chairs

DM - accept as part of the motion to require both standard and bariatric shower chairs

MT - second - carries

14) Incoming Discussion: 200 Boylston St., Chestnut Hill (V13-072)

TH - EXHIBIT – new device with a pool socket, permanently installed at the pool deck

CS - can it be operated by the user?

TH - yes

CS - motion to grant, on the condition that it has the capability of being operated independently

DM - second – carries

15) Incoming: Starboard Place, 45 First Ave., Charlestown (V13-124)

TH - EXHIBIT – variance application

- new construction of 4-story 54 unit apartment building

- variance for Group 1 sink depths, propose 8” sink depths, and will provide required 6” deep sinks at request of tenants

MB - grant as proposed

CS - second – carries

16) Advisory Opinion: Champions Center, UMass Amherst

TH - new building

- 18’ drop from road to entrance to the building

- building a set of stairs, but also providing exterior elevator to serve the grade change

- another set of stairs

- the question is, will the elevator meet the accessible route requirements for both of the stairs provided

- elevator is open at all times that the building is open

CS - anything that you are exposed to that you are not exposed to if you take the elevator

TH - same location as the adjacent stairs

MB - accept plan as compliant

MT - second - carries

17) Discussion: Cases of the day

CS - question about jurisdiction for Grill 23 in Boston

TH - they were sued by Disability Policy Consortium about the entrance path
- they have changed the entrance, now you don't go thru the kitchen
- new delivery zone
- variance for the corner entrance, 4/5 steps at the corner
- if ramped would start at the currently proposed accessible entrance, and at the interior would lose a ton of space
- installing a lift for access between the bar and the dining area

CS - can ask the status of the decision

TH - can ask about the history of the case

CS - turning radius in the bathrooms, distribution question

18) Advisory Opinion: 35 Northampton St., Boston

TH - creating Group 2A units, in an existing building with skip elevator stops
- elevator stops at floors where there are stairs going up and down to the multiple dwellings, but providing Group 2A units at only the full accessible floors at the upper levels
- the allowance of the turning radius to pass under the sink and the fixtures

TH - look at 44.2

DM - complies without coming into contact with any features

TH - diagram goes under the sink
- but the written word prevails, based on 521 CMR 2.4.1

WW - "contact" means touch, example shows it not hitting the toilet, but under the sink

TH - 12 inches beyond the drain for maneuvering clearances
- sink within that clearance

TH - clear floor space is floor to ceiling?
MB - yes

MB - 44.6.1 requires that 12 inches of clear floor space beyond the drain of the tub, and clear floor space goes from floor to 80 inches above the floor

CS - second- carries

CS - turning radius can go under the sink, provided that there is no physical contact with the sink
(44.2)

DM - second - carries

19) Hearing: Motor Sports International, 444 Washington Street (Route 20), Auburn (C11-135)

WW - called to order at 11:05 a.m.
- introduce the Board

Michael Wade, Owner (MW)

Mark Dempsey, Compliance Officer for the Board (MD)

WW - both sworn in
- EXHIBIT 1 – AAB1-20

MD - received the complaint in November of 2011
- original complainant withdrew all his cases from the Board, so now all staff complaints
- letter sent out to owner about location of parking and that the parking location would require a variance
- heard nothing back so hearing was scheduled
- this was new construction in 2006

MW - company that did the parking went out of business
- went before the Planning Board for approval
- usually that side of the building is typically clear
- trailer trucks and 2-way traffic at the front of the building, there is a direct route from the current accessible parking
- if the parking is at the front, the slope will be more than 2%
- have a site plan
- three entrances to the building that can be made accessible
- can move the parking, but not available to provide 2% slope without significant site work

MD - site plan is part of the file

DM - find in favor of the complainant

MB - second – carries

MW - AAB18, picture of one of the entrances at the left side

CS - AAB19 shows the other entrance?

MW - yes, on the corner there is the additional parking with another set of double-leaf doors

MW - picture shows when the roof had to be shoveled off

WW - all three entrances lead to the same place

MW - couldn't get a disk so couldn't send it in

MB - but should have called and asked

MW - did call in but wasn't sure of the process for the variance application

MW - all three entrance doors can be made accessible
- don't have parking at the right side of the building
- front area is sloped so therefore can't provide compliant slopes

(Tape)

CS - can't have the handicap parking covered by snow

MW - normally kept clear, this was just an instance where the roof had to be shoveled off
- is constantly plowed and sanded by myself

MB - appears that there is a slope towards the building, because of the height of the building; so that if there was a curb cut at the front of the door, then also would get water into the front of the building

WW - need a variance application
- staff can help with filing that out

MB - require a variance be submitted to the Board within 30 days receipt of the decision

DM - second - carries

20) Incoming: NE Corner of Mason and Avery St., Boston (V13-118)

TH - EXHIBIT – variance application
- sidewalk and curb cut rebuilt for corner entrance created
- 8.8% and 9.3% provided for the slopes of the curb cut

MB - grant as proposed, based on technological infeasibility

DM - second – carries with CS not present

21) Incoming: The Icon, 75 Brainerd Rd., Allston (V13-115)

TH - EXHIBIT – variance application
- 5 story 104 unit dwelling, new construction
- seeking variance for the lack of access to 6 units with entrances along the road with steps to the sidewalk
- putting in 6 stoops
- all of the units are accessible, but probably from the interior corridor

DM - deny

MB - second - carries

22) Incoming: Harrison Court, 7761 Harrison Ave., Boston (V13-129)

- TH - EXHIBIT – variance application
- reworking of interior dwelling units
 - previously granted a variance for an incline lift at the entrance in 2001
 - plan is to rebuild the current equipment to comply in full with the current requirements of 521 CMR, including no key
 - retriggered compliant variance entrance

MB - grant as proposed

MT - second

- CS - any complaints?

TH - none in our office
- carries

23) Incoming: New Restaurant at basement space, 277 Newbury St., Boston (V13-116)

- TH - EXHIBIT – variance application
- new tenant space at basement tenant space
 - digging out the front entrance
 - spending over 30% of the value of the space
 - proposing vertical lift at the back that will create access to the first floor retail, as well as an accessible rear entrance
 - down an alley to the rear entrance

- CS - need a map

DM - grant as proposed, on the condition that normal conditions for rear entrance accessible entrance be in place

MB - second – carries

24) Incoming: Storefront, 418-420 Essex St., Lynn (V13-109)

- TH - EXHIBIT – variance application
- application is unclear as to what variances are sought specifically
 - can't tell what needs to comply and what needs variances

DM - continue for more information and meet with TH

MB - second – carries

25) Hearing: Grill 23 & Bar, 161 Berkeley St., Boston (V13-075)

WW - called to order at 1 p.m.
- introduce the Board

John Winske, DPC (JW)

Dave Wilson, Grill 23 Attorney (DW)

Brian Sommers, Grill 23 Officer (BS)

Bill Gisness SGA Architects (BG)

Kathryn Aldrich, City of Boston Disability Commission (KA)

WW - all but DW sworn in
- EXHIBIT 1 – AAB1-29

TH - 30% issue based on past work; although not triggered under the current project

BG - Grill 23 occupies 3 floors in this existing building, main floor is dining area and bar, second level is dining bar, and function rooms, lower level is the food prep and storage area
- second floor is accessible by an elevator and is completely accessible

BG - main entrance is at the corner of Stuart and Berkeley Street
- NStar vault under the bar area
- bar currently backs up to the windows
- existing toilets at this bar area are not accessible
- proposal is to back the bar up to the rest of the building and install a lift and create accessible toilet rooms
- cannot run plumbing, waste, or HVACs lines by the NStar vault
- restricted at the public way as well
- valet parking along Berkeley and Stuart Street
- main hostess station to remain near the existing entrance
- proposing new accessible entrance a little further down Berkley Street, as shown on AAB26
- buzzer intercom at the accessible entrance, and will have same awning as existing entrance
- two stairs that service the second floor
- first variance is for the accessible entrance to be a little further down Berkeley Street because of the NStar electrical vault

JW - relationship with Grill 23 was an adversary one at first, but now DPC is satisfied with the plans proposed
- DPC participated in every step along the way

KA - Commission is also in support of the variance, on the condition that the accessible entrance is staffed

MT - is the accessible entrance used as anything else?

BG - it used to be used for food delivery, but with the new design, it will be strictly restaurant patron use

- MT - lift and stairs go to same location?
BG - yes
- MB - there was a lawsuit that was filed, or a complaint outside of the AAB?
- where does that sit and how does the AAB interplay with that
- JW - DPC has signed an agreement and have signed off on this plan
- BS - complaint was brought to Grill 23 directly and they met with DPC
- JW - went thru the restaurant 3-4 times
- there was no court order
- TH - was the jurisdiction triggered when the second floor was renovated?
BG - would assume, yes
JW - yes, it was also reviewed by the DPC consultant
- MB - mentioned camera buzzer and intercom; is the door intended to be locked
BG - during restaurant operation the door will be open
- but during off hours, the door will be closed for security reasons, but someone may want to come in for gift cards
- BS - only open for dinner
- but there are sales people that come in during the day, people come in and want to buy gift certificates
- camera is there to allow the staff to know if someone is at that other entrance
- doors to the front entrance are locked when the staff is not near the front of the restaurant
- but sometimes the doors are unlocked
- accessible door is unlocked during regular business hours
- MB - DPC and Boston Commission
JW - have agreed that the accessible entrance be staffed and open all times that the front entrance will be open; during business hours
- MB - looked at front entrance options
BG - all at same level at the lower level dining area at the main level
- BG - AAB28
- if a ramp is installed at the main level, it would go to the raised level, but would still need access down to the sunken lower level main dining area
- AAB27
- show a lift at the front entrance, would bring you up to the raised level, but would need another lift to get down to the lower dining area

MB - so then accessible entrance is at main dining room level, and then take the lift up to the upper level of the main floor

- BG - there will be someone at the door, most likely a valet
- there will be a hostess station at this entrance location
- host station at the second floor as well
- it will be staffed entrance and hostess station

CS - there will be two hosts?

BS - yes, it is a very busy restaurant

CS - coat room access?

BG - no, the coat room will be accessed by the host who will take your coat and return it back to you later

CS - why a camera at the other entrance?

BS - whoever comes to that door, will be greeted, but need to have the camera there to be aware of who is in the building

BS - if someone is at the host stand, answering the phone or confirming reservation, then the policy is to have the front door unlocked

- if only one person at the front door hostess stand, then normal procedure would be for them to unlock the front door, while they are at the location

- yes, if there is only one person answering the phone, they will be in one place, so generally only one door will be unlocked, since they can't physically see both doors

- may be 1-2 people an hour, not when restaurant is open

KA - perhaps option with putting a buzzer at the main entrance as well, so that the same options are for both

RG - only concern is that the entrances have the same finishes

CS - *grant the variance for 25.1, as proposed*

MT - *second – carries*

BG - AAB26, proposed first floor plan

- existing stair, marble and cast iron stair, with noncompliant winders
- seeking variance for winders and noncompliant nosings
- AAB29 shows the stair

MB - nosings at the stairs

BG - building is not on the historic register, recommended to be on there, but it is not

- are the stairs part of the original building?

BG - not sure

MB - what would it take to mitigate the nosings?

BG - would have to cut them to be flush, infill would cover the cast iron riser

BG - prefer not to change these historic stairs

CS - who uses the stairs?

BG - originally it was one of the required means of egress
- now it is the second means of egress for the second floor of the restaurant

CS - is the restaurant open, when is the accessible entrance going to be completed?

BG - right now the accessible entrance is open and functioning

JW - right now it is a service entrance, and the accessible entrance

BG - trying to get a building permit, and ready to submit drawings to start construction sometime this summer

- already have occupancy

MB - grant the variance for the treads, riser, and nosings, based on technological infeasibility and historic nature

MT - second - carries

26) Incoming: Waverly Commuter Rail Station, Belmont, - Cont'd

TH - at 10:02 a.m. got an email from Bill Henning that most of the people that want to appear will not be able to because of a senate hearing scheduled for the same June 3, 2013 date

27) Discussion: Church, 53 Erie St., Boston (V13-001)

TH - EXHIBIT – photographs as requested in the May 6th decision
- on May 15, 2013 Cecil Hansel submitted pictures of the current bathroom, ramp and stairs to the altar
- now seeking one year to bring everything into compliance
- sent out decision on May 13th

MB - testimony was that

MB - grant one year for all

KS - from occupancy, or specific date?

MB - to be compliant by June 1, 2014

MT - second – carries

RG - fundraising reports every three months, starting September 1, 2013, and every three months thereafter

CS - second – carries

28) Incoming Discussion: Stonehill College, 310 Washington St., Easton (V13-078)

TH - follow-up email from BKA – EXHIBIT
- tent access
- petitioners have decided not to pursue hearing after the denial
- if they choose to set up the portion of the tent on the grass, then have to provide slip resistant route to the spaces

MB - accept their proposal to withdraw the request about the accessible surface, until which time they want to use it, will allow to use it, provided that prior to the installation of the tent over that area, the petitioners share with this board the surface that they intend to use to cover the grass, to be approved by the Board

CS - second – carries with MT not present

29) Incoming: Stairway connecting Salem St. to Bowers St., Malden (V13-117)

TH - EXHIBIT – variance application
- seeking to redo set of stairs that was built in the 1920's that connect two neighborhoods
- spending \$100,000.00 to redo the stairs, seeking variance to not provide an accessible route
- seeking variance to 20.1, can't make it accessible due to technological infeasibility and land limits

CS - grant on the condition that the stairs comply in full

DM - second – carries

30) Hearing: Housing, Commonwealth Avenue and Washington Street, Boston (V13-075)

WW - called to order at 2 p.m.
- introduce the Board

Sharon MacNulty, Davis Square Architects (SM)

Liz Valenta, Allston Brighton CDC (LV)

Lia Scheele, Davis Square Architects (LS)

WW - all sworn in
- EXHIBIT 1 – AAB1-29

CS - husband was former member of the CDC Board for Allston Brighton, but do not feel it will affect ability to be impartial

Let the record show that there were no objections to CS sitting on the Board for this hearing

SM - \$1.9 million renovation project for two properties in Allston Brighton, that are considered one property based on the deed

- these buildings are not evaluated based on assessed value, but based on replacement costs, so the work done will trigger full compliance
- there are a number of elements that are either not technologically feasible or would be an excessive cost without substantial benefit to persons with disabilities

SM - first variance is for the distribution (9.4.2)
 - three accessible units were created at Comm. Ave when the building was renovated in 1997
 - not proposing accessible units at Washington street
 - there is distribution with regards to number of bedrooms, just not geographically distributed

WW - so the correct number of accessible bedrooms are provided, but just all in one building
 SM - yes

MB - how many units in Washington Street property?
 - for funding purposes, look at as one property, but these buildings are very far apart from each other

SM - Comm. Ave. building is right on the T, with a central corridor
 - Washington Street, has 40 units with 5 different entrances, with half levels throughout
 - in terms of feasibility, Comm. Ave. was easier to make accessible in 1997

LV - also during 1997 renovation put the laundry room at the first floor

CS - accessible entrance to the Comm. Ave Building

LV - AAB14 shows the entrance

MB - grant the variance to 9.4.2, to allow no accessible units in the Washington Street building
DM - second – carries

SM - 20.2 variance, for the Washington Street building
 - there is no accessible route to the entrances at Washington Street
 - technologically infeasible
 - but Item B is primarily the wheelchair lift at Comm. Ave.
 - the platform size for the lift is 33 inches by 55 inches, due to the side of the hallway, not feasible to widen the lift
 - will make the lift keyless

MT - 3 inches too narrow at the width, but compliant length

MB - straight on and off lift

CS - how long has the lift been in place

LV - since 1997

- any complaints?

- LV - none that they are aware of
- CS - wheelchair users live in the building?
- LV - yes
- CS - *grant the variance to the existing platform width (28.12.2), of 33 inches*
- MT - *second – carries*
- SM - Item C, the main entrance to Comm. Ave. is compliant
- the entrances at Washington Street have a number of elements that are not compliant
 - all are a step up from the sidewalk, and once in the vestibule, the distance between the doors are shallow, and then the doors and doorways maneuvering clearance is not provided
- MT - why?
- SM - technologically infeasible to alter the doors and doorways due to the existing building structure
- not enough clearances at the sidewalk
 - there are stairs within the vestibule
- CS - one is at grade then a stair up?
- SM - yes, 7 steps up to the units
- RG - hardware at the doors is not compliant, and that change would benefit people
- SM - lever hardware?
- RG - yes
- DM - *grant on the Washington Street entrances, on the condition that compliant door hardware is installed*
- MB - *second – carries*
- SM - space allowance and reach ranges, for the existing accessible units in the Comm. Ave. building
- AAB21 and 22
 - doing quite a few renovations in the units to bring them into compliance, completely renovating the kitchen
 - replacing sink and renovating bathrooms
 - getting rid of the wing walls, but still have to pass under the sink to get the 5 foot turning radius
- MT - still manage to maintain 42” from centerline and 12” beyond tub drain
- SM - yes, only issue is the clearance
- MB - proposing that vanity taken away?
- there is a countertop

SM - there will be no countertop, will be providing toothbrush holders and soap dishes

WW - no requirement for countertop

MB - need a shelf or something

SM - drains will all be offset and pipes will be wrapped
- also sidewall medicine cabinet

RG - find it problematic to have the sink against the door, in Unit 104

SM - providing 30" clearance centered on the drain

RG - talking about door clearances

SM - yes, the sink impedes on the push clearances for the bathroom door in Unit 104

KS - not require 12" at the push side if no closer

MB - would be an accommodation if the tenant requests it

MB - pipes of the sink also do not interfere with the turning radius

SM - got a cut sheet on the sink, there is some clearance on the drain

DM - grant 6.3 for the two existing accessible bathrooms, on the condition that there is some modification to provide counter space at the sink

CS - counter space or alternate space

DM - grant 6.3, on the condition that in the lease there is a policy about altering to meet the needs of individual tenant space

DM - withdraw both

DM - grant the variance for 6.3, on the condition that sinks are installed as proposed

MT - second – carries with RG opposed

SM - three elements that are not compliant at the existing stairs
- secondary stair at Comm. Ave. has winders
- existing nosings do not comply
- are proposing to put in continuous handrails at one side
- at the main stair in Comm. Ave., no handrails; at Washington Street, handrails are not continuous
- proposing one continuous handrail at one side of all existing stairs
- bull nose was previously covered, keeping that in tact

MB - grant relief for the existing noncompliant stairs, on the condition that one continuous handrail is provided at each stair, as proposed

MT - second – carries

SM - Laundry Room at Comm. Ave. is accessible
- no variances required at Comm. Ave.
- existing laundry facility in the basement in Washington Street
- not technologically feasible or a substantial benefit to persons with disabilities

MB - grant variance for Washington St., Laundry Room based on excessive cost without substantial benefit to persons with disabilities

DM - second – carries

31) Incoming: Honeyland Child, 25 Loring Drive, Framingham (V13-128)

TH - EXHIBIT – variance application
- 1 story building 3,000 square feet
- seeking 30 day time variance to construct ramped entrance
- temporary CO given by building inspector to May 7th

DM - grant extension for 30 days within receipt, or no further CO temporary or otherwise will be allowed, with photos submitted on or before said date

MT - second – carries

32) Incoming: State Office Building, 600 Washington St., Boston (V13-114)

TH - EXHIBIT – variance application
- C3 states that the project is over 30%
- contains state offices, with some employees entering the building 24 hours a day;
- variance for stairs only
- Hayward Stairs, seeking 4 variances (continuous handrails, handrail profile, treads and risers, and nosings)
- proposing compliant wall side handrails

MB - since the building opened, have gotten numerous complaints about access

TH - building has 6 passenger elevators and 3 egress stairs

MB - the work on the building is already done and everyone was moved in a year ago
- want to know when it is going to be completed
- prepared to grant, but want a completion date

CS - continue for more information about the completion date for the handrails

MT - second – carries

- NO MORE DIANE MCLEOD -

33) Incoming: Starbucks, 411 Mass Ave., Acton (V13-112)

- TH - EXHIBIT – variance application
- prepared to present the case, based on what Starbucks had submitted
 - seeking variances to entrances
 - existing variance undergoing renovations
 - received email from Danny Factor who is a representative of Commission on Disabilities for Acton
 - now proposing access from patio per email from Commission but have not heard it from Starbucks

CS - *continue to get confirmation about withdrawal of variance for the lack of access based on new access proposed from patio per commission email*

RG - *second – carries*

34) Discussion: Sportsman’s Club, 150 North Quincy St., Holbrook (C13-017)

- TH - have a hearing scheduled for July 1, 2013
- attorney for the sportsman’s club is seeking a later date
 - attorney cites 1975 attorney general letter and notes that they have decommissioned the lift in the building
 - also a complaint about no accessible toilets; pavilion building that was now fully enclosed
 - after a second notice sent, received a package of permits; some have no values
 - going to give them a later hearing date

MB - *grant the change of hearing date*

MT - *second – carries*

35) Incoming: Residence Inn at Seaport, 368 Congress St., Boston (V13-119)

- TH - EXHIBIT – variance application
- spending \$20 million, over 30%
 - seeking one variance to 39.4, regarding control locations being 18” from the inside corner
 - regarding elevator call buttons for each floor
 - distance from inside corner to elevator call button is 2 feet
 - only other option is to put it in the masonry wall
 - 16” instead of 18”

MB - *grant as proposed*

MT - *second – carries*

36) Incoming Discussion: Springhill Apartments, 419 Great Rd., Acton (V13-123)

- TH - email from Danny Factor, Secretary for Acton Commission on Disabilities
- original review on May 6, 2013
 - on May 9, 2013, Disability Commission met with owners on site and a Acton resident wheelchair user
 - email stated that the deviation, although slight, can still be quite burdensome for wheelchair users

- now proposing to re-grade the parking, and therefore, the Commission thinks that a 3rd space will not be required

MB - reaffirm the previous decision of the Board unless we receive a request from the building owner regarding repaving the sidewalk

MT - second – carries

37) Incoming: Whitney Center for the Arts, 42 Wendall Ave., Pittsfield (V13-131)

TH - EXHIBIT – variance application

- need to get something from the parties concerned (building, commission, ILC), to waive the 2 week waiting period

- public event that will take place on both floors of the building, scheduled for June

- previously a house and then converted to Whitney Center

- spoke with owner of the building months ago about the use of the second floor

- first floor is accessible

- women and men installed at different stages throughout the house

- each of the rooms in the house will represent a stage or a theme in the women's lives; walk through the house at their own pace, and at sometimes interacting

- never received anything from anyone that they received this

MB - they have not complied with the ability to give enough time to have the parties concerned comment on the project

CS - deny the waiver of the two-week wait period due to lack of input from parties concerned (Building, Disability Commission, ILC)

MB - second - carries

CS - even with the assent of the parties concerned, the Board will still need evidence and a sample as to how they propose to accommodate the needs of people with disabilities

MB - second - carries

38) Incoming: Queset House, Ames Free Library, 51 Main St., North Easton (V13-111)

TH - EXHIBIT – variance application

- public library

- petitioner seeks one variance for inner handrail at the historic main stair

- proposing compliant wall side rail

CS - grant as proposed

MB - second – carries with MT abstaining

39) Incoming: Cape House, 50 Main Street, North Easton (V13-113)

TH - EXHIBIT – variance application

- converted to art space

- 1365 square feet, 805 sq ft at first floor, 565 sq ft at second floor

- seeking variance for the lack of vertical access between first and second floor
- proposing similar services at both floors

MB - grant as proposed, on the condition that submit accommodation plan, relative to accommodating people with disabilities at the first floor

RG - second – carries with CS opposed MT abstaining

40) Incoming Discussion: Hillcrest Center, aka Miller Hall, 349 Old Stockbridge Rd., Lenox (V11-178)

- TH - follow-up plan relative to the Group 2B bathrooms
- dormitory building
 - received plan in October of 2011 and part of decision of the Board
 - May 13, 2013, new plan showing alteration to Group 2B bathrooms and areas of rescue assistance
 - need to review and accept new plan

RG - one of the bathrooms has a toilet and tub and no wash basin

MB - there is a sink, but not 12” beyond the drain of the tub

TH - only required to have one compliant, gave two

MT - accept the submitted plans

MB - second – carries

41) Discussion: Decisions and Minutes from 5/6/13

CS - accept minutes and decisions from 5/6

MT - second – carries

42) Discussion: DeLuca’s Market, 7-17 Charles St., Boston

CS - reopen Deluca’s

RG - second – carries

- TH - vote for extension of the temporary CO of wine cellar
- sent Mark Dempsey down at lunch to check out the computer and see if it was working

Mark Dempsey (MD) – was able to scroll through the computer

CS - accept Mark’s report that the computer is working, and because of that, extend the temporary CO of the lower level wine cellar only

MB - second – carries

RG - expedite

MB - second – carries

43) Incoming: Slattery's Funeral Home, 40 Pleasant St., Marlborough (C10-078 & V13-122)

TH - EXHIBIT – variance application
- first variance is for the interior wooden doors that exist at the main entrance
- they are 27.5” wide, the storm door that covers it, one panel is proposed to be 32”, and interior doors will be attended by funeral home staff throughout calling hours
- custom compliant storm doors will be installed by June 30, 2013

MB - grant as proposed, on the condition that there is attendant there during calling hours

MT - second – carries

TH - 41.2.2, ladies and men's room signs have been moved 3 inches lowered
- coat hook lowered at men's room
- 30.7.1, size of the ladies room, 63” by 137”

MB - grant the variance for ladies room dimensions, on the condition that nothing is placed in the clear floor space adjacent to the toilet (i.e. remove the chair)

CS - second - carries

TH - variance to 30.7.2, for the ladies room toilet
- toilet is 19” from the wall, instead of 18”

CS - grant

MT - second – carries

TH - men's room is 70” by 130”

MB - grant on the condition that nothing is placed in the clear floor space adjacent to the toilet

MT - second – carries

TH - men's room toilet location is 24” from the wall

MB - deny the variance

RG - second – carries

MB - compliance by August 1, 2013

RG - second – carries

TH - 30.7.5 – men's room flusher
- wall side of the toilet

MB - deny, compliant by August 1, 2013

CS - second – carries

- TH - accessible parking location
 - location that provides the shortest accessible route
 - proposing to move parking space to alternate location, ten feet from the previous requested location
 - providing 2 spots

MB - grant as proposed

MT - second

CS - *don't like the further from the entrance?*

WW - *only 10 feet*

- carries with CS opposed

44) Discussion: Hollister Editorial in Lawyers Weekly

CS - *have the staff draft a response to that editorial and sent to all board members*

MB - *second, draft and sent to lawyers weekly within 2 weeks - carries*

- End of Meeting -